

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEN F. SHERMAN,

Plaintiff,

v.

SCOTT PARKS, *et al.*,

Defendants.

ORDER

15-cv-084-wmc

Pro se plaintiff Ken Sherman is proceeding in this civil lawsuit on claims that individuals working at the Marathon County Jail violated his constitutional rights in May of 2013 in failing to respond to his need for adequate pain medication. Since February of 2018, defendants' efforts to take Sherman's deposition have been unsuccessful to such a degree that on April 6, 2018, Magistrate Judge Stephen Crocker directed Sherman to work with defendants and sit for a deposition by April 20, 2018. (Order (dkt. #45) at 1-2.) Judge Crocker explicitly warned plaintiff that his failure to comply with that directive would "subject his lawsuit to dismissal pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) The April 20, 2018, deadline has passed, and now defendants have filed a motion to dismiss for lack of prosecution. (Dkt. # 46.)

Defendants indicate that counsel attempted to schedule a deposition after Judge Crocker issued that order, but he never responded. Although the court set April 27, 2018, as the deadline for plaintiff to oppose the motion, plaintiff has neither opposed the motion, nor sought an extension or otherwise provided the court with an indication that he plans to oppose it. Accordingly, since the court has already warned plaintiff of the ramifications of his failure to sit for a deposition, and plaintiff has continued to ignore the requirements

of this lawsuit, the court will now dismiss this case with prejudice under Rule 41 of the Federal Rules of Civil Procedure for his failure to prosecute.

ORDER

IT IS ORDERED that this lawsuit is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(b). The clerk of court is DIRECTED to enter judgment in defendants' favor and close this case.

Entered this 4th day of May, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge